



Policy Focus	Whistleblowing Policy
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Designated Advisory Board	Laura Secker
Policy Date	September 2023
Policy Version	1.2
AB Adoption Date	March 2023
Review Date	March 2026

Version Control since July 2021

Version	Date of Change/Adopted	Reviewed by	Reason for change
1.0	July 2021	R Banks	New document
1.1	March 2023	R Banks/Laura Secker	Revised
1.2	Sept 2023	R Banks/Laura Secker	Revised in line with KCSIE 2023

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1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected
- Let all staff in Phoenix Bay School know how to raise concerns about potential wrongdoing in or by the school
- Set clear procedures for how the school will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to Phoenix Bay in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

This policy has been written in line with the [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Students' or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public or school interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
 - A free and confidential advice line

3. Procedure for staff to raise a whistle-blowing concern

There are existing procedures in place to enable employees to lodge a grievance relating to their employment. The whistle blowing policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- Conduct which is an offence or breach of the law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees/staff

- Damage to the environment
- Information relating to the above issues that have been or is likely to be deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of school funds
- Possible fraud or corruption
- Sexual, physical or psychological abuse
- Harassment and bullying of staff
- Breaches of codes of conduct

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of the Proprietor, school employees, others acting on behalf of the school or service users, can be reported under the whistle blowing policy where the member of staff has a reasonable belief in those concerns and they relate to one of the specific areas set out above

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

4.2 Who to report to

Staff should report their concern to the Principal. If the concern is about the Principal, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Advisory Board.

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

5. Phoenix Bay School procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received by the Principal or other named person– referred to from here as the ‘recipient’ – they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the Principal or Chair of the Advisory Board, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations

and details on how the matter can be rectified, and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Principal, other staff, or Chair of the Advisory Board, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst Phoenix Bay School cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

6. Malicious or vexatious allegations

Phoenix Bay staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, Phoenix Bay will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Escalating concerns beyond the school

Phoenix Bay encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

8. Approval

This policy will be reviewed every three years.

These procedures have been agreed by the Advisory Board, who will approve them whenever reviewed.

9. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Safeguarding and Child protection policy

1. Aims

Phoenix Bay School is committed to the highest possible standards of honesty, openness, probity, and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all its activities are open and effectively managed, and that integrity and principles of public interest disclosure are sustained.

In line with that commitment, we encourage employees, those working on behalf of the school and others that we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns with a member of the senior management team.

Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Purpose of the Policy

Employees are often the first to realise that there may be something seriously wrong within the school. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. Each person working for Phoenix Bay School needs to realise that they not only have a right, but also a duty to report any improper actions or omissions.

Phoenix Bay School also recognises and appreciates that employees who raise concerns regarding malpractice or wrongdoing are an asset to the school, not a threat. This policy makes it clear that they can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The whistle blowing policy is intended to encourage and enable employees to raise serious concerns within the school. Although this can be difficult this is particularly important where the welfare of children may be at risk. Remember it is often the most vulnerable children or young person who is targeted. These children need someone like you to safeguard their welfare.

This policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon their concerns about practice
- provide avenues to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.

Who is covered by this policy?

The policy applies to all school employees whether full-time or part-time, permanent or temporary; members of the school staff and those carrying out work for the school on school premises, for example agency workers, contractors, consultants. It also covers providers of works, services and supplies, including the school's external contractors and those providing services under a contract with the school in their own premises. However, to facilitate the reading of this policy, the terms 'staff' or 'members of staff' have been used, with the intention to cover all individuals mentioned above.

Scope of the policy

There are existing procedures in place to enable employees to lodge a grievance relating to their employment. The whistle blowing policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- Conduct which is an offence or breach of the law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees/staff
- Damage to the environment
- Information relating to the above issues that have been or is likely to be deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud or corruption
- Sexual, physical or psychological abuse of service users
- Harassment and bullying of staff
- Breaches of codes of conduct

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of the Proprietor, school employees, others acting on behalf of the school or service users, can be reported under the whistle blowing policy where the member of staff has a reasonable belief in those concerns and they relate to one of the specific areas set out above.

3. Safeguarding against harassment or victimisation

The school is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer and/or those for whom they provide a service.

The school will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures). The school will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and consider action under the appropriate procedure (for example disciplinary) against the person or persons responsible for the reported acts, provided the member of staff:

- Discloses the information in good faith
- Believes the concern is true
- Does not act maliciously or make false allegations
- Does not seek any personal gain, and
- Provided the allegations relate to one of the categories covered by the scope of the policy and referred to above.

There are national guidelines to help you as a whistle blower. You can find out more on the protection of whistle blowers from the [Information Commissioner's Office \(ICO\)](#)

Unsubstantiated allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

Confidentiality

All concerns will be treated in confidence but at the appropriate time, the whistle blower may be asked to come forward as a witness, and this will be discussed with them.

Anonymous allegations

This policy encourages staff to put their name to their allegation whenever possible.

The school will take all concerns raised seriously. When carrying out an initial review of a concern, the school will consider the following factors:

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Reasons for 'whistle blowing'

- To prevent worsening or widening
- To protect or reduce risks to others
- To safeguard children
- To prevent becoming implicated yourself

What stops people from 'whistle blowing'

- Starting a chain of events which spiral
- Disrupting work or events
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

4. How to raise a concern

- Staff members may raise concerns with their immediate manager, Principal or the Designated Safeguarding Lead (DSL)
- If your concern is about the Principal, contact the Proprietor.
- Concerns may be raised verbally or in writing. Staff members who wish to make a written report are asked to provide the background and history of the concern (including relevant dates) and the reason why they are particularly concerned about the situation.
- The earlier the concern is expressed, the easier it is to take action. In order to assist with investigation, staff members should provide as much detail and supporting evidence as possible.
- A member of staff is not expected to prove that an allegation is true, only to have sufficient grounds for concern.
- While concerns will usually be raised internally, the school recognises that employees may feel unable to do this, and that they may wish to contact an independent, external organisation such as the NSPCC Whistleblowing helpline hotline on; (0800 028 0285, 8am - 8pm Mon - Fri, Email; help@nspcc.org.uk) or the Surrey Safeguarding LADO.

- A third option for employees who wish to raise concerns is to contact the Public Concerns at Work helpline 020 7404 6609. This helpline offers independent and confidential advice to workers who are unsure whether or how to raise a public interest concern.

5. How the school will respond

The school will investigate and respond to all concerns raised by staff members or service users through any channels including the Contact Centre.

While it is not essential that the concerns be provided in writing, the person receiving the concern, will ensure that a written account of it is made. This will help with the subsequent investigation by facilitating clear record keeping.

When a concern is raised directly with the school, they should undertake the following actions:

- Take the concern seriously
- Consider the concerns fully and objectively
- Recognise that raising a concern can be a difficult experience for employees
- Ensure confidentiality
- Refer to a manager of appropriate seniority, to agree the level at which the concern will be investigated and identify who will take responsibility for coordinating the enquiry.

Staff members who are under investigation will not be involved in the investigation.

Initial enquiry

In order to protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. If urgent action is required, this will be taken before any investigation is conducted.

Purpose of the initial enquiry is to ascertain if the conduct or behaviour involves a member of the school staff, a senior manager or other member of staff, so that further enquiries and investigation can be progressed accordingly.

Preliminary enquiry

Preliminary enquiry establishes need to carry out an investigation. Further to the results of the initial and preliminary enquiries, and at the discretion of the senior management team/Proprietor, the following steps will then need to be considered:

- Concerns or allegations, which fall within the scope of specific procedures, e.g child protection and safeguarding or discrimination issues, will normally be referred for consideration under those procedures. In the case of child protection the LADO will be contacted.
- Where there is any financial impropriety, the concern should be referred to the Proprietor, before taking any other action.
- Ensure that matters of a criminal nature are reported to the Police.
- Whether the disciplinary or other relevant management policies, procedures and processes of the school need to be applied.
- Appointment of an officer to carry out the investigation under these procedures.

Investigation

Depending on the nature of concerns, investigations may be carried out under the school's capability and/or disciplinary policy.

Investigation timescales

Within 14 days of a report being received, the person who is dealing with the concern raised will respond in writing:

- Acknowledging that the concern has been received
- Supplying information on staff support mechanisms, and
- Advising whether further investigations or action is required and, if not, why not.

A further update will also be provided 28 days after the report was received, advising of additional progress made and the estimated date a final response will be available.

If the whistle blower has chosen to remain anonymous and non-contactable, they need to contact their original whistle blowing route in order to receive updates.

Investigation process

The impartial investigating manager appointed to undertake the investigation will establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

It is essential that written records of all interviews be kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action which will be passed to the manager responsible for deciding whether formal action should be taken.

Where any meeting is arranged involving an individual member of staff, which can be off-site, a recognised Trade Union representative or a work colleague may also attend. The school will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive appropriate procedural and/or legal advice.

A member of staff raising a concern will be, subject to legal constraints, advised in writing of the outcome of the investigation and, where appropriate, what action is being taken.

6. Monitoring arrangements

The Proprietor in consultation with the senior management team has overall responsibility for the maintenance and operation of this policy.

The Proprietor and senior management team will ensure that the whistle blowing procedures are defined, documented, widely circulated and reviewed at appropriate intervals.

The practical aspects of monitoring are to assess whether:

- The policy is being used appropriately
- Concerns are being handled and investigated properly
- There are any discernible patterns of concern across the school
- The policy has been effective in identifying and deterring malpractice, and
- More needs to be done to raise awareness of the policy.

This policy should be read in accordance with the Child Protection and Safeguarding policy, Staff Code of Conduct.

